

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK
ISRAEL VAZQUEZ-CURET,**

Plaintiff,

**1:20-cv-151
(GLS/DJS)**

v.

**COLONIE POLICE DEPARTMENT
OF ALBANY, NY et al.**

Defendants.

APPEARANCES:

OF COUNSEL:

FOR THE PLAINTIFF:

Israel Vazquez-Curet
Pro Se
16-A-2097
Washington Correctional Facility
Box 180
72 Lock 11 Lane
Comstock, NY 12821

**Gary L. Sharpe
Senior District Judge**

ORDER

The above-captioned matter comes to this court following a Report-Recommendation and Order (R&R) by Magistrate Judge Daniel J. Stewart duly filed on April 9, 2020. (Dkt. No. 16.) Following fourteen days from the service thereof, the Clerk has sent the file, including any and all objections filed by the parties herein, to the court for review.

Plaintiff *pro se* Israel Vazquez-Curet has submitted what appears, at

first glance, to be an objection to the R&R. (Dkt. No. 17.) In that document, Vazquez-Curet seeks to clarify that defendant Ryan Berkery was the arresting officer, who injured him during the arrest. (*Id.*) While the R&R correctly discusses that, other than the caption and listing of defendants, the complaint does not specify that Berkery was the officer that used force against Vazquez-Curet, Judge Stewart nonetheless recommends that an excessive force claim against Berkery survive initial review. (Dkt. No. 16 at 4-5.) As such, the “objection” is not really an objection at all. In any case, the court has reviewed the R&R for clear error and finds none. See *Almonte v. N.Y. State Div. of Parole*, No. Civ. 904CV484, 2006 WL 149049, at *5-6 (N.D.N.Y. Jan. 18, 2006).

Accordingly, it is hereby

ORDERED that the Report-Recommendation and Order (Dkt. No. 16) is **ADOPTED** in its entirety; and it is further

ORDERED that any claims against defendant Colonie Police Department of Albany, NY are **DISMISSED WITH PREJUDICE**; and it is further

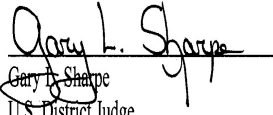
ORDERED that the clerk shall **TERMINATE** Colonie Police Department of Albany, NY as a defendant; and it is further

ORDERED that the Clerk provide a copy of this Order to Vazquez-Curet

in accordance with the Local Rules of Practice.

IT IS SO ORDERED.

May 28, 2020
Albany, New York



Gary L. Sharpe
U.S. District Judge